

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDMUND F. BAILEY,)	
)	
Petitioner,)	
)	
v.)	C.A. NO: 05-0002-JJF
)	
THOMAS CARROLL, Warden,)	
Delaware Correctional Center,)	
)	
Respondent.)	

MOTION TO REOPEN THE TIME TO FILE A REPLY

1. On January 3, 2005, Petitioner, Edmund F. Bailey, hereinafter "Bailey," filed his first Petition for Writ of Habeas Corpse in the United States District Court for the District of Delaware. The undersigned counsel filed the first Petition for Writ of Habeas Corpse to protect Petitioner's ability to file. Counsel for Bailey had handled his appeal in the Supreme Court of the State of Delaware and the timeframe associated with the filing of the Writ of Habeas Corpse was near expiration following the Petitioner's unsuccessful, pro se, filing of a Rule 61 Motion which was rejected at the State level.

2. On January 19, 2005 the Honorable Joseph J. Farnan, Jr. issued a scheduling Order requiring the State to respond to Petitioner's Writ of Habeas Corpse.

3. On March 22, 2005, the State filed an Answer to the Petitioner's Writ of Habeas Corpse.

4. At this time the Petitioner respectfully asks the Court to grant this motion to permit the Petitioner to file a Reply to the State's Answer.

5. Petitioner had made significant efforts to try and retain counsel to file a Reply and further handle the Habeas Corpse proceedings in the United States District Court for the District of Delaware. However, the Petitioner would like to respond to the State's Answer, but has been unable to retain counsel in this matter. Petitioner respectfully requests ten days to file a response to the State's Answer. The undersigned counsel will assist Petitioner with filing a timely reply in the event the Court grants his request.

6. Deputy Attorney General Gregory E. Smith, counsel for the State of Delaware, does not oppose this request to permit a filing of a Reply at this time.

WHEREFORE, the Petitioner respectfully requests this Honorable Court to reopen the time to permit the Petitioner to file a Reply to the State's Answer.

/s/ William J. Rhodunda, Jr.
WILLIAM J. RHODUNDA, JR. (No. 2774)
Oberly, Jennings & Rhodunda, P.A.
800 Delaware Avenue, Suite 901
P.O. Box 2054
Wilmington, DE 19899
Attorney for Petitioner

DATED: 08/05/05

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ORDER

IT IS ORDERED this _____ day of _____, 2005 that upon consideration of Petitioner's Motion to Reopen the Time to File a Reply to the State's Answer is hereby GRANTED. The Petitioner shall have ten days to file a Reply.

J.